

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Case No.: 3:19-cv-00101-RCJ-CSD

**Order**

Re: ECF No. 79

JAMES MCDANIEL,

Plaintiff

v.

JAMES DZURENDA, et al.,

Defendants

Before the court is Plaintiff's Motion to Add Belated Signature. (ECF No. 79.)

Defendant filed a motion for summary judgment on October 8, 2021. (ECF Nos. 66, 66-1 to 66-10, 68-1, 68-2) Plaintiff did not timely file a response. On November 17, 2021, the court *sua sponte* gave Plaintiff an additional 30 days, until December 17, 2021, to file a response to the motion for summary judgment. (ECF No. 73.) Plaintiff still did not timely file a response.

On January 7, 2022, Plaintiff filed a "motion to notify" the court that caseworker Villatoro at High Desert State Prison (HDSP) told Plaintiff on October 28, 2021, that she and the warden had his legal mail and would not give it to him. (ECF No. 74.)

The court issued an order regarding that motion on January 12, 2022. (ECF No. 75.) The court pointed out that it was curious Plaintiff claimed that this occurred on October 28, 2021, but Plaintiff waited until January 7, 2022, to file anything with the court. The court also advised Plaintiff that a motion for summary judgment is not considered "legal mail" as it is a publicly filed document. Instead, the motion for summary judgment was electronically filed and should have been delivered to Plaintiff by the HDSP law librarian.

1 In any event, the court directed Defendant to re-serve the motion for summary judgment  
2 on Plaintiff and file a proof of service when that was completed. The court gave Plaintiff 21 days  
3 from the date of its order, until February 2, 2022, to file his response to the motion for summary  
4 judgment.

5 Defendant subsequently filed a notice of compliance and proof of service by hand  
6 delivery on Plaintiff. (ECF Nos. 76, 77.)

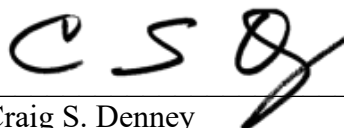
7 On January 26, 2022, Plaintiff filed this motion to belatedly add a signature to his  
8 existing opposition to the motion for summary judgment. He states that the court informed  
9 Plaintiff that he forgot to sign the opposition. (ECF No. 79.)

10 It is unclear what Plaintiff is referring to because Plaintiff has not filed an opposition to  
11 the motion for summary judgment. Therefore, Plaintiff's motion to add a belated signature is  
12 **DENIED.**

13 Plaintiff has until **February 2, 2022**, to file his response to the motion for summary  
14 judgment. If a response is not timely filed, the court will treat the motion as unopposed.

15 **IT IS SO ORDERED.**

16 Dated: January 27, 2022

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18 Craig S. Denney  
19 United States Magistrate Judge  
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